



CITY OF WESTMINSTER

MINUTES

Planning (Major Applications) Sub-Committee

MINUTES OF PROCEEDINGS

Minutes of a meeting of the **Planning (Major Applications) Sub-Committee** held on **Tuesday 5th February, 2019**, Room 3.1, 3rd Floor, 5 Strand, London, WC2 5HR.

Members Present: Councillors Gotz Mohindra (Chairman), Geoff Barraclough, Peter Freeman, Murad Gassanly, Jim Glen, Elizabeth Hitchcock and Guthrie McKie.

1 MEMBERSHIP

- 1.1 There were no changes to the membership.

2 DECLARATIONS OF INTEREST

- 2.1 Councillor Gotz Mohindra explained that a week before the meeting, all four Members of the Committee were provided with a full set of papers including a detailed officer's report on each application; together with bundles of every single letter or e-mail received in respect of every application, including all letters and e-mails containing objections or giving support. Members of the Committee read through everything in detail prior to the meeting. Accordingly, if an issue or comment made by a correspondent was not specifically mentioned at this meeting in the officers' presentation or by Members of the Committee, it did not mean that the issue had been ignored. Members will have read about the issue and comments made by correspondents in the papers read prior to the meeting.

- 2.2 Councillor Mohinda then made the following further declarations as they related to the specific applications on the agenda:

Item 1: That he had attended a pre-application meeting on 20 January 2018 and had sat on the Committee that considered a previous application for this site.

Item 2: That he had attended a pre-application meeting on 17 August 2018.

- 2.3 Councillor Murad Gassanly declared that in respect of item 1, he had sat on the Licensing Sub-Committee that had considered a licensing application on this site.

3 MINUTES

3.1 RESOLVED:

That the minutes of the meeting held on 22 January 2019 be signed by the Chairman as a correct record of proceedings.

4 PLANNING APPLICATIONS

1 DEVELOPMENT SITE AT 74-77 WELBECK STREET AND 28-40 MARYLEBONE LANE -WELBECK STREET CAR PARK, WELBECK STREET, LONDON, W1G 0BB

Demolition of the existing building and redevelopment to provide a new building comprising three basement levels, lower ground floor, ground floor level and first to ninth floor levels consisting of hotel (Class C1) with publicly accessible restaurant/bar (Class A3/A4) at ground floor, bar and roof terrace at ninth floor, function/events space at basement levels 2 and 3; and roof level swimming pool, roof level plant and associated works.

A late representation was received from The Howard de Walden Estate (01.02.2019).

The presenting officer tabled the following amendments to paragraph 8.14 of the report and to condition 19 (**in bold text**):

Paragraph 8.14

Basement

The proposal includes the excavation to create three additional basement levels. Policy CM28.1 requires that basement development be accompanied by a detailed structural methodology statement and a signed proforma Appendix A which demonstrates that the applicant will comply with relevant parts of the COCP. These have been submitted.

As the site is a commercial building in the Core CAZ Part B of the policy applies. This means there is no restriction on the depth or extent of the basement excavation provided it complies with the relevant stipulations of the policy. This requires all basement developments to have regard to the site specific requirements and a structural methodology statement to be submitted in support of the development. This documentation has been submitted to the City Council.

Condition 19

You must provide each cycle parking space **and shower facilities** shown on the approved drawings prior to occupation. Thereafter the cycle spaces **and shower facilities** must be retained and the space used for no other purpose without the prior written consent of the local planning authority.

RESOLVED UNANIMOUSLY:

1. That subject to referral to the Mayor of London, conditional permission be granted, subject to amendments to condition 19 as set out above and a Section 106 agreement to secure:
 - i. A financial contribution of £194,937 (index linked and payable on commencement of development) toward the funding of Crossrail (minus any relevant Mayoral Community Infrastructure Levy paid);
 - ii. An employment and training strategy for the demolition, construction and operational phases of the development;
 - iii. Highway works including removing the existing crossovers and any associated works to accommodate the development;
 - iv. Payment of cost of monitoring the agreement (£500 per head of term).
2. That if the Section 106 legal agreement has not been completed within 6 weeks, then:
 - a. The Executive Director Growth Planning and Housing shall consider whether it would be possible and appropriate to issue the permission with additional conditions attached to secure the benefits listed above. If so, the Executive Director Growth Planning and Housing is authorised to determine and issue the decision under Delegated Powers; however, if not, then;
 - b. The Executive Director Growth Planning and Housing shall consider whether the permission should be refused on the grounds that the proposals are unacceptable in the absence of the benefits which would have been secured; if so, the Executive Director Growth Planning and Housing is authorised to determine the application and agree appropriate reasons for refusal under Delegated Powers.

2 DEVELOPMENT SITE AT LAND BOUNDED BY DRURY LANE, DRYDEN STREET, ARNE STREET AND, SHELTON STREET, LONDON

Removal of existing third and fourth floor levels and roof top structures and partial demolition of Shelton Street elevation (third floor only); construction of new floor space and internal reconfiguration resulting in part five and part six storey buildings with roof top plant enclosure, to provide flexible commercial use including retail (Class A1), financial and professional services (class A2) restaurant (class A3), office (class B1) and / or assembly and leisure (class D2) at basement and ground floor level and office use (Class B1) at part basement/ground, first to fifth floor level; refurbishment of external elevations; roof terraces, plant, cycle parking and facilities for access and servicing.

A late representation was received from the Covent Garden Area Trust, Covent Garden Community Association and Seven Dials Trust (02.02.2019) and a local resident (05.02.2019).

The presenting officer tabled the following amendments to conditions 4, 12, 15 and 31:

Condition 4 (removal of requirement for an Employment and Training Strategy as the development is not of sufficient scale):

(Pre Commencement Condition). You must not start work on the site until we have approved in writing appropriate arrangements to secure the following.

(i) Carbon offset payment;

In the case of each of the above benefits, you must include in the arrangements details of when you will provide the benefits, and how you will guarantee this timing. You must only carry out the development according to the approved arrangements. (C19AB)

Condition 12: (Applicant's request to open at 0700)

Customers shall not be permitted within any restaurant (class A3) premises before 0700 or after midnight each day. (C12AD)

Condition 15:

No music shall be played such as to be audible outside the premises to the nearest noise sensitive, residential receptor.

Condition 31:

You must apply to us for approval of details of the biodiversity living roof together with a management plan, which shall include:

- o a depth of a range between 100 to 150mm of substrate;
- o details on the diversity of substrate depth across the roof to provide contours of substrate. This could include substrate mounded in areas with the greatest structural support to provide a variation in habitat;
- o details on the diversity in substrate type and sizes;
- o details on bare areas of substrate will allow self colonisation of local windblown seeds and the opportunity for solitary bees to nest;
- o details on the range of native species of wildflowers and herbs planted to benefit native wildlife (it is recommended that this be seeded and plug planted). A living roof should not rely on one species of plant life, and species such as Sedum (which are not native) should not be relied on;
- o locations of log piles/flat stones provided as insect breeding and refuge areas;
- o opportunities for bird boxes;
- o details of the management regime to be employed on the roof.
- o The biodiversity (green/brown) roof shall not be used as an amenity or sitting out space of any kind whatsoever and shall only be used in the case of essential maintenance or repair, or escape in case of emergency.

You must not occupy the development until we have approved what you have sent us. The development shall be carried out in accordance with the details so approved and shall be maintained for the life of the development.

RESOLVED (Councillors Gotz Mohindra, Geoff Barraclough, Peter Freeman, Murad Gassanly, Jim Glen and Elizabeth Hitchcock in favour and Councillor Guthrie McKie against):

That conditional permission be granted, subject to amendments to conditions 4, 12, 15 and 31 as set out above and amendments to the servicing condition restricting hours to 08:00 to 20:00 and to the condition in respect of the staircase enclosure next to 12 Dryden Station to incorporate window openings.

PART B

The report below (item 3) is not available for public inspection because the public will be excluded while it is being considered. This report is exempt from disclosure by virtue of the Local Government Act 1972, Schedule 12A Part 1, paragraph 7 (as amended), in that it contains information relating to action taken or to be taken in connection with the prevention, investigation or prosecution of crime.

3 NEW PALACE YARD, LONDON, SW1

Installation of new outer gates and railings.

The presenting officer tabled the following amendments:

Reason for condition 5:

So that we can assess the effect of the structure on the public highway and space available for pedestrians, and because the gates and railings are considered to have a harmful impact on the setting of adjacent listed structures and World Heritage Site. The gates and railings are therefore only acceptable on a temporary basis.

Informative

For any structures to be positioned within, or work on, the Highway, you will need to secure permission under the Highways Act (Section 278 agreement) from the Highway Authority for the relevant works. All costs, including administrative, legal, design, physical construction and ongoing maintenance, will be at the expense of the applicant and not the Highway Authority. This will include all costs associated with relocating existing street furniture and utility services to accommodate the scheme.

RESOLVED UNANIMOUSLY:

That conditional permission be granted for a temporary period of 5 years, subject to an amended reason for condition 5 and additional informative as set out above, and a further informative expressing the Committee's concerns about highway safety because of the reduction in width of the pavement.

The Meeting ended at 7.40 pm.

CHAIRMAN: _____

DATE _____